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16
 17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20 IN RE: APPLE IDEVICE ADDRESS
 21 BOOK LITIGATION

Case No.: 13-cv-00453-JST

CLASS ACTION

**DECLARATION OF JOSHUA A. JESSEN
 IN SUPPORT OF DEFENDANT APPLE
 INC.'S MOTION TO DISMISS
 PLAINTIFFS' CONSOLIDATED
 AMENDED CLASS ACTION
 COMPLAINT UNDER F.R.C.P. 12(B)(1)
 AND 12(B)(6)**

**THIS DOCUMENT RELATES TO ALL
 CASES:**

- No. 13-cv-00453-JST
- No. 12-cv-01515-JST
- No. 12-cv-01529-JST
- No. 12-cv-06550-JST

Exhibit A

Privacy Policy

Your privacy is important to Apple. So we've developed a Privacy Policy that covers how we collect, use, disclose, transfer, and store your information. Please take a moment to familiarize yourself with our privacy practices and let us know if you have any questions.

Collection and Use of Personal Information

Personal information is data that can be used to uniquely identify or contact a single person.

You may be asked to provide your personal information anytime you are in contact with Apple or an Apple affiliated company. Apple and its affiliates may share this personal information with each other and use it consistent with this Privacy Policy. They may also combine it with other information to provide and improve our products, services, content, and advertising.

Here are some examples of the types of personal information Apple may collect and how we may use it.

What personal information we collect

- When you create an Apple ID, register your products, apply for commercial credit, purchase a product, download a software update, register for a class at an Apple Retail Store, or participate in an online survey, we may collect a variety of information, including your name, mailing address, phone number, email address, contact preferences, and credit card information.
- When you share your content with family and friends using Apple products, send gift certificates and products, or invite others to join you on Apple forums, Apple may collect the information you provide about those people such as name, mailing address, email address, and phone number.
- In the U.S., we may ask for your Social Security number (SSN) but only in limited circumstances such as when setting up a wireless account and activating your iPhone or when determining whether to extend commercial credit.

How we use your personal information

- The personal information we collect allows us to keep you posted on Apple's latest product announcements, software updates, and upcoming events. It also helps us to improve our services, content, and advertising. If you don't want to be on our mailing list, you can opt out anytime by updating your preferences.
- We also use personal information to help us develop, deliver, and improve our products, services, content, and advertising.
- From time to time, we may use your personal information to send important notices, such as communications about purchases and changes to our terms, conditions, and policies. Because this information is important to your interaction with Apple, you may not opt out of receiving these communications.
- We may also use personal information for internal purposes such as auditing, data analysis, and research to improve Apple's products, services, and customer communications.
- If you enter into a sweepstake, contest, or similar promotion we may use the information you provide to administer those programs.

Collection and Use of Non-Personal Information

We also collect non-personal information – data in a form that does not permit direct association with any specific individual. We may collect, use, transfer, and disclose non-personal information for any purpose. The following are some examples of non-personal information that we collect and how we may use it:

- We may collect information such as occupation, language, zip code, area code, unique device identifier, location, and the time zone where an Apple product is used so that we can better understand customer behavior and improve our products, services, and advertising.
- We also may collect information regarding customer activities on our website, iCloud and MobileMe services, and iTunes Store and from our other products and services. This information is aggregated and used to help us provide more useful information to our customers and to



Apple Inc. has been awarded TRUSTe's Privacy Seal signifying that this Privacy Policy and practices have been reviewed by TRUSTe for compliance with TRUSTe's program requirements including transparency, accountability, and choice regarding the collection and use of your personal information. The TRUSTe program does not cover information that may be collected through downloadable software. If you have questions or complaints regarding our Privacy Policy or practices, please contact us. If you are not satisfied with our response, you can contact TRUSTe.

Privacy Questions

Questions or concerns about Apple's Privacy Policy or data processing?
Contact us

understand which parts of our website, products, and services are of most interest. Aggregated data is considered non-personal information for the purposes of this Privacy Policy.

If we do combine non-personal information with personal information the combined information will be treated as personal information for as long as it remains combined.

Cookies and Other Technologies

Apple's website, online services, interactive applications, email messages, and advertisements may use "cookies" and other technologies such as pixel tags and web beacons. These technologies help us better understand user behavior, tell us which parts of our website people have visited, and facilitate and measure the effectiveness of advertisements and web searches. We treat information collected by cookies and other technologies as non-personal information. However, to the extent that Internet Protocol (IP) addresses or similar identifiers are considered personal information by local law, we also treat these identifiers as personal information. Similarly, to the extent that non-personal information is combined with personal information, we treat the combined information as personal information for the purposes of this Privacy Policy.

Apple and its partners use cookies and other technologies in mobile advertising services to control the number of times you see a given ad, deliver ads that relate to your interests, and measure the effectiveness of ad campaigns. If you do not want to receive ads with this level of relevance on your mobile device, you can opt out by accessing the following link on your device: <http://oo.apple.com>. If you opt out, you will continue to receive the same number of mobile ads, but they may be less relevant because they will not be based on your interests. You may still see ads related to the content on a web page or in an application or based on other non-personal information. This opt-out applies only to Apple advertising services and does not affect interest-based advertising from other advertising networks.

Apple and our partners also use cookies and other technologies to remember personal information when you use our website, online services, and applications. Our goal in these cases is to make your experience with Apple more convenient and personal. For example, knowing your first name lets us welcome you the next time you visit the Apple Online Store. Knowing your country and language – and if you are an educator, your school – helps us provide a customized and more useful shopping experience. Knowing someone using your computer or device has shopped for a certain product or used a particular service helps us make our advertising and email communications more relevant to your interests. And knowing your contact information, product serial numbers, and information about your computer or device helps us register your products, personalize your operating system, set up your iCloud service, and provide you with better customer service.

If you want to disable cookies and you're using the Safari web browser, go to Safari preferences and then to the privacy pane to disable cookies. On your Apple mobile device, go to Settings, then Safari, and then to the Cookies section. For other browsers, check with your provider to find out how to disable cookies. Please note that certain features of the Apple website will not be available once cookies are disabled.

As is true of most websites, we gather some information automatically and store it in log files. This information includes Internet Protocol (IP) addresses, browser type and language, Internet service provider (ISP), referring and exit pages, operating system, date/time stamp, and clickstream data.

We use this information to understand and analyze trends, to administer the site, to learn about user behavior on the site, and to gather demographic information about our user base as a whole. Apple may use this information in our marketing and advertising services.

In some of our email messages, we use a "click-through URL" linked to content on the Apple website. When customers click one of these URLs, they pass through a separate web server before arriving at the destination page on our website. We track this click-through data to help us determine interest in particular topics and measure the effectiveness of our customer communications. If you prefer not to be tracked in this way, you should not click text or graphic links in the email messages.

Pixel tags enable us to send email messages in a format customers can read, and they tell us whether mail has been opened. We may use this information to reduce or eliminate messages sent to customers.

Disclosure to Third Parties

At times Apple may make certain personal information available to strategic partners that work with Apple to provide products and services, or that help Apple market to customers. For example, when you purchase and activate your iPhone, you authorize Apple and its carrier to exchange the information you provide during the activation process to carry out service. If you are approved for service, your account will be governed by Apple and its carrier's respective privacy policies. Personal information will only be shared by Apple to provide or improve our products, services and

advertising; it will not be shared with third parties for their marketing purposes.

Service Providers

Apple shares personal information with companies who provide services such as information processing, extending credit, fulfilling customer orders, delivering products to you, managing and enhancing customer data, providing customer service, assessing your interest in our products and services, and conducting customer research or satisfaction surveys. These companies are obligated to protect your information and may be located wherever Apple operates.

Others

It may be necessary – by law, legal process, litigation, and/or requests from public and governmental authorities within or outside your country of residence – for Apple to disclose your personal information. We may also disclose information about you if we determine that for purposes of national security, law enforcement, or other issues of public importance, disclosure is necessary or appropriate.

We may also disclose information about you if we determine that disclosure is reasonably necessary to enforce our terms and conditions or protect our operations or users. Additionally, in the event of a reorganization, merger, or sale we may transfer any and all personal information we collect to the relevant third party.

Protection of Personal Information

Apple takes precautions — including administrative, technical, and physical measures — to safeguard your personal information against loss, theft, and misuse, as well as against unauthorized access, disclosure, alteration, and destruction.

Apple online services such as the Apple Online Store and iTunes Store use Secure Sockets Layer (SSL) encryption on all web pages where personal information is collected. To make purchases from these services, you must use an SSL-enabled browser such as Safari, Firefox, or Internet Explorer. Doing so protects the confidentiality of your personal information while it's transmitted over the Internet.

When you use some Apple products, services, or applications or post on an Apple forum, chat room, or social networking service, the personal information you share is visible to other users and can be read, collected, or used by them. You are responsible for the personal information you choose to submit in these instances. For example, if you list your name and email address in a forum posting, that information is public. Please take care when using these features.

Integrity and Retention of Personal Information

Apple makes it easy for you to keep your personal information accurate, complete, and up to date. We will retain your personal information for the period necessary to fulfill the purposes outlined in this Privacy Policy unless a longer retention period is required or permitted by law.

Access to Personal Information

You can help ensure that your contact information and preferences are accurate, complete, and up to date by logging in to your account at <https://appleid.apple.com/>. For other personal information, we make good faith efforts to provide you with access so you can request that we correct the data if it is inaccurate or delete the data if Apple is not required to retain it by law or for legitimate business purposes. We may decline to process requests that are unreasonably repetitive, require disproportionate technical effort, jeopardize the privacy of others, are extremely impractical, or for which access is not otherwise required by local law. Access, correction, or deletion requests can be made through the regional Privacy Contact Form.

Children

We do not knowingly collect personal information from children under 13 except where a parent has set up an Apple ID for their child through the Apple ID for Students program and provided Apple with verified parental consent. Learn more about the Apple ID for Students program and device parental controls. If we learn that we have collected the personal information of a child under 13 without first receiving verifiable parental consent we will take steps to delete the information as soon as possible.

Location-Based Services

To provide location-based services on Apple products, Apple and our partners and licensees may collect, use, and share precise location data, including the real-time geographic location of your Apple computer or device. This location data is collected anonymously in a form that does not personally identify you and is used by Apple and our partners and licensees to provide and improve location-based products and services. For example, we may share geographic location with

application providers when you opt in to their location services.

Some location-based services offered by Apple, such as the "Find My iPhone" feature, require your personal information for the feature to work.

Third-Party Sites and Services

Apple websites, products, applications, and services may contain links to third-party websites, products, and services. Our products and services may also use or offer products or services from third parties – for example, a third-party iPhone app. Information collected by third parties, which may include such things as location data or contact details, is governed by their privacy practices. We encourage you to learn about the privacy practices of those third parties.

International Users

Information you provide may be transferred or accessed by entities around the world as described in this Privacy Policy. Apple abides by the "safe harbor" frameworks set forth by the U.S.

Department of Commerce regarding the collection, use, and retention of personal information collected by organizations in the European Economic Area and Switzerland. Learn more about the U.S. Department of Commerce Safe Harbor Program.

Please note that personal information regarding individuals who reside in a member state of the European Economic Area (EEA) is controlled by Apple Distribution International in Cork, Ireland, and processed on its behalf by Apple Inc. Personal information collected in the EEA when using iTunes is controlled by iTunes SARL in Luxembourg and processed on its behalf by Apple Inc.

Our Companywide Commitment to Your Privacy

To make sure your personal information is secure, we communicate our privacy and security guidelines to Apple employees and strictly enforce privacy safeguards within the company.

Privacy Questions

If you have any questions or concerns about Apple's Privacy Policy or data processing, please contact us.

Apple may update its Privacy Policy from time to time. When we change the policy in a material way, a notice will be posted on our website along with the updated Privacy Policy.

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